ATTACHMENT A
Remarks

The specification has been amended to include antecedent terminology for some of the newly added claims. Claims 68 and 78 have been amended and new claims 96-118 have been added to further define the invention. No new matter has been added.

END REMARKS

ATTACHMENT B
Amendments to the Specification

It is noted that the line numbering referred to in this Attachment B does not refer to the line numbers provided in the left hand column of the specification pages.

Please replace the paragraph at page 1, lines 1-9 with the following amended paragraph:

E1

The invention relates to an insertion instrument for a three-piece intervertebral implant that includes an upper part that can be placed against a vertebra, a lower part that can be placed against the adjacent vertebra, and a pivot element that can be inserted between these two parts, having two arms or levers, disposed side by side and supported pivotably at one end relative to one another, and each having at its other, free end one retention device for the upper part and lower part, respectively, of the intervertebral implant. The insertion instrument is also referred to as a medical device installation tool.

Please replace the paragraph at page 2, lines 3-6 with the following amended paragraph:

E2

It is the object of the invention to provide an insertion instrument, which may also be referred to as a medical device installation tool, of the type generically defined at the outset in such a way that these disadvantages are avoided and the introduction of the pivot element is simplified.

Please replace the paragraph at page 2, lines 11-29 with the following amended paragraph:

E3

What is obtained thereby is a combined insertion instrument, which is used first to manipulate the upper and lower parts of the implant, and with which the upper and

lower parts can be brought to the desired position inside the intervertebral space. As a result of the pivotable support of the arms, the upper part and lower part can then be moved apart from one another in a manner known per se, when the pivot axis acts as a fulcrum thus widening the intervertebral space, so that an introduction space for the pivot element is created between these parts. The pivot element is then inserted directly into this introduction space via the guide in one of the two arms, also known as levers, of the insertion instrument; by the connection of the two arms of the insertion instrument with the parts of the implant inserted into the intervertebral space, a reliable adjustment of the longitudinal guide for the pivot element is assured; moreover, it is assured that the pivot element will be introduced into the intervertebral space exactly in the desired relative position to the other two parts of the implant.

Please replace the paragraph at page 3, lines 16-21 with the following amended paragraph:

In an especially preferred embodiment, it is provided that the arm or lever having the longitudinal guide has two rodlike legs, disposed parallel to and spaced apart from one another, and which between them form a receiving chamber for the pivot element and which guide the pivot element between them longitudinally of the receiving chamber.

Please replace the paragraph at page 4, lines 15-20 with the following amended paragraph:

In a further preferred embodiment, the insertion instrument includes a push member or pusher block, which is insertable into the longitudinal guide and is joined to a

E5

rodlike thrust element or pusher rod. Using this member, the pivot element can be advanced as far as the intervertebral space along the longitudinal guide.

Please replace the paragraph at page 5, lines 7-16 with the following amended paragraph:

E4

It is advantageous if the pivotally supported ends of the two arms, i.e., the proximal handle portion of the arms or levers, have a spacing from one another such that the arms, in their insertion position of the upper part and the lower part of the intervertebral implant, in which the free ends of the arms, i.e., the distal portion of the arms or levers, are at their closest proximity to one another, have a greater spacing from one another on the supported end than on the free end. Once again, this contributes to making the structural height of the insertion instrument, and the implant parts retained in it during insertion, as slight as possible.

Please replace the paragraph at page 5, lines 29-31 with the following amended paragraph:

E-1

Furthermore, a feed rod, also referred to as a pusher rod, can be disposed on the spreader element, with the aid of which the spreader element is displaced along the arms.

Please replace the paragraph at page 6, lines 1-6 with the following amended paragraph:

E8

In an especially preferred embodiment, the feed rod is embodied as a rack, which meshes with a driving gear wheel in the region of the pivotally supported ends of the arms; this provides a very sensitive feeding motion of the spreader element along

the arms ~~possible~~, and even major forces can be transmitted via the toothed connection.

Please replace the paragraph at page 10, line 28 through page 11, line 4 with the following amended paragraph:

This insertion instrument 1 has a first elongated arm or first lever 21 with two spaced-apart parallel legs 22, 23, which are each retained at one end rotatably about its longitudinal axis on a bearing block 24 which provides a fulcrum on the proximate handle portion of the first arm 21. Both legs 22 and 23 have a square cross section and form rodlike long elements, which on the free end, along the extension of the axis of rotation of the legs each carry one of the retaining pins 20.

Please replace the paragraph at page 11, line 28 through page 12, line 7 with the following amended paragraph:

On the bearing block 24, spaced apart from the plane defined by the two legs 22 and 23, a second arm or lever 27 is pivotably supported about an axis of rotation that extends transversely to the longitudinal direction of the legs 22 and 23 and parallel to the plane defined by them; the arm 27 is disposed approximately midway between the two legs 22 and 23, so that the free end of the arm 27 can enter the space 28 between the two legs 22 and 23. Because of the spacing of the bearing location of the arm 27 from the plane defined by the legs 22 and 23, the spacing of the arm 27 from the arm 21 decreases continuously, as becomes clear from the illustration in ~~Fig. 1.~~ Fig. 1, forming a fulcrum for turning of arm or lever 27 towards and away from the arm or levers 21. Together arms 21, 27 form two opposing levers of insertion instrument 1.

Please replace the paragraph at page 12, lines 8-32 with the following amended paragraph:

The arm 27 is circular in cross section and on its free end or distal portion it carries a U-shaped holder 29, which receives the free end of the arm 27 in the space 30 between two parallel legs 31, 32. In the region of the free end of the legs 31, 32, the holder 29 and the arm 27 are joined together in such a way that they can be pivoted about an axis of rotation extending parallel to the pivot axis of the arm 27. As result, the holder 29 can assume different angular positions relative to the arm 27; in Fig. 3, two angular positions differing by a small angular amount are shown in dot-dashed lines. For fixing the holder 29 in different angular positions, transverse bores 33 and 34, respectively, are provided both in the legs 31 and 32 and in the arm 27, and specifically a plurality of such pairs of transverse bores are offset in the longitudinal direction and are oriented with one another at various positions of the holder 29 relative to the arm 27. A fixation pin 35 can be inserted into these pairs of transverse bores 33, 34. Since in the various pairs the transverse bores 33, 34 that belong together can assume a different position, for each pair of transverse bores when a fixation pin 35 is inserted, a different angular position relative to the arm 27 results; the pivot angles are on the order of magnitude of a few degrees, and for instance a total range that can be between 1 degree and 5 degrees is covered.

Please replace the paragraph at page 14, lines 1-7 with the following amended paragraph:

E12

A plate-like push member 40 (also referred to as a pusher block) is also insertable into the longitudinal grooves 38 and 39 and is pivotably connected to a pusher rod such as thrust rod 41. By means of this thrust rod 41, the pivot element 14, inserted into the longitudinal grooves 38 and 39, can be advanced along its guide path; to that end, the push member 40 is introduced after the pivot element 14 into the guide path formed by the longitudinal grooves 38 and 39.

Please replace the paragraph at page 14, lines 8-27 with the following amended paragraph:

E13

A spreader element 43 that spans the space 28 between the two legs 22 and 23 is braced on the flat top side 42 of the legs 22 and 23; with a protrusion 44, it moves slightly into the space 28 and as a result is guided transversely to the longitudinal direction of the legs 22 and 23. This spreader element 43, on its end remote from the legs 22 and 23, has an indentation 45 of arclike cross section, into which the arm 27 moves. The spreader element 23 is connected to a thrust rod 46, embodied as a rack, which meshes with a gear wheel 47 that is supported rotatably on the bearing block 24 and can be rotated by means of a handle part 48 located at a proximal, handle portion of the opposed levers. Upon such rotation, the thrust rod 46 is displaced, which leads to a longitudinal displacement of the spreader element 43 along the legs 22 and 23. Upon such advancement of the spreader element 43, the arm 27 is as a result pivoted away from the legs 22 and 23; that is, the arms 27 and 21 (first and second levers) are spread apart via pivoting of their respective proximal handle portions about the fulcrum

formed by bearing block 24, so that as a result the upper part 6 and lower part 9 are moved away from one another. This in turn leads to forcing the vertebrae 3 and 4 apart and thus to widening of the intervertebral space 5.